

**Adjournment**

Senator Nelson moved that the Senate adjourn until 12:50 o'clock p. m. Thursday, June 3, 1937.

Senator Rawlings moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Rawlings, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—14**

Brownlee	Small
Holbrook	Spears
Moore	Stone
Pace	Sulak
Rawlings	Van Zandt
Roberts	Weinert
Shivers	Winfield

**Nays—17**

Aikin	Lemens
Beck	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Redditt
Head	Westerfeld
Hill	Woodruff
Isbell	

Question next recurring on the motion of Senator Nelson, it prevailed.

The Senate accordingly, at 12:45 o'clock p. m., adjourned until 12:50 o'clock p. m., Thursday, June 3, 1937.

**FIFTH DAY**

(Thursday, June 3, 1937)

The Senate met at 12:50 o'clock p. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Cotten	Neal
Davis	Nelson
Head	Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceeding of the Fourth Legislative day was dispensed with, on motion of Senator Roberts.

**Senate Resolution No. 2**

The President laid before the Senate, for consideration at this time, the following resolution:

S. R. No. 2, Amending Senate Resolutions Nos. 12 and 90, as adopted by the Senate during the Regular Session of the Forty-fifth Legislature.

The resolution was adopted.

**Senate Bill No. 1 on Third Reading**

The President laid before the Senate, on its third reading and final passage:

S. B. No. 1, A bill to be entitled "An Act repealing House Bill No. 12, Acts of the First Called Session of the Forty-third Legislature, same being Chapter 10 of the General and Special Laws of the First Called Session of the Forty-third Legislature; prohibiting in this State the certificate system of betting upon horse races; making it unlawful for any person, firm, corporation or association of persons, by means of the certificate system of betting, to bet upon or to aid any other person to bet upon any horse race; making it unlawful for any person, association of persons or corporation to bet or wager any money or article of value at any race track in this State upon any horse race to be run, trotted or paced at any such track in this State; re-enacting Article 645 of the Penal Code of the State of Texas; prescribing a penalty for violation of the provisions of this Act, and declaring an emergency."

The bill was read third time.

Senator Burns moved the previous question on the passage of the bill, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

## Yeas—17

Aikin	Lemens
Beck.	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Redditt
Head	Westerfeld
Hill	Woodruff
Isbell	

## Nays—14

Brownlee	Small
Holbrook	Spears
Moore	Stone
Pace	Sulak
Rawlings	Van Zandt
Roberts	Weinert
Shivers	Winfield

The bill then was passed by the following vote:

## Yeas—18

Aikin	Lemens
Beck	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Redditt
Head	Small
Hill	Westerfeld
Isbell	Woodruff

## Nays—13

Brownlee	Spears
Holbrook	Stone
Moore	Sulak
Pace	Van Zandt
Rawlings	Weinert
Roberts	Winfield
Shivers	

## Recess

Senator Pace submitted in writing the following motion:

Mr. President:

In order to give the Governor an opportunity to immediately send up a message submitting all kinds of gambling in Texas, I move that the Senate now recess until 3:30 o'clock p. m. today, and that a messenger from the Senate so notify the Governor.

PACE.

Senator Burns moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Burns, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—15

Aikin	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Head	Spears
Hill	Westerfeld
Isbell	Woodruff
Lemens	

## Nays—16

Beck.	Roberts
Brownlee	Shivers
Davis	Small
Holbrook	Stone
Moore	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	Winfield

Senator Hill moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion of Senator Hill was lost by the following vote:

## Yeas—14

Aikin	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Head	Oneal
Hill	Spears
Isbell	Woodruff

## Nays—17

Beck	Shivers
Brownlee	Small
Davis	Stone
Holbrook	Sulak
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	

Senator Woodruff moved that the Senate recess to 4:00 o'clock p. m. today.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—11

Aikin	Neal
Collie	Nelson
Cotten	Oneal
Head	Spears
Hill	Woodruff
Lemens	

## Nays—20

Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Davis	Small
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Newton	Weinert
Pace	Westerfeld
Rawlings	Winfield

Senator Hill raised the point of order that the motion of Senator Pace, as submitted, may not be considered, because it contains matter not germane to a motion to recess.

The President overruled the point of order.

Question then recurring on the motion of Senator Pace, as submitted, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—17

Beck	Shivers
Brownlee	Small
Davis	Stone
Holbrook	Sulak
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	

## Nays—14

Aikin	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Head	Oneal
Hill	Spears
Isbell	Woodruff

The Senate, accordingly, at 1:20 o'clock p. m., took recess to 3:30 o'clock p. m. today.

## After Recess

The Senate met at 3:30 o'clock p. m. and was called to order by the President.

## Message From the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, June 3, 1937.

To the Senate of the Forty-fifth Legislature:

I am in receipt of a copy of a Senate simple resolution by Pace providing for recess of the Senate until 3:30 this afternoon to permit me to submit to this Legislature the matter of outlawing betting at dog races, and tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions.

In my message to the Senate this morning I stated:

"This is to officially advise you that immediately after the passage of a bill outlawing race track betting, I will submit the matter of outlawing betting at dog races, tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions."

While Senate Bill No. 1 has passed the Senate, it must now go to the House. If I submitted these other subjects, the amendments to Senate Bill No. 1 might be germane to the bill in the House, and if amended the bill would have to be returned to the Senate and there run the gauntlet of absences due to sickness, business or other causes. A bill is not passed until it is passed by both Houses. My statement and assurance to the Senate this morning still stands; and when this bill is passed I will submit these other subjects.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

## Report of Standing Committee

Senator Redditt, by unanimous consent, submitted, at this time, the following report on H. B. No. 1:

Committee Room,

Austin, Texas, June 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation

of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members, and the per diem of officers and employees of the First Called Session of the Forty-fifth Legislature; and to pay any unpaid bills and accounts of the Regular Session of the Forty-fifth Legislature; and making certain corrective amendments to Senate Bill No. 138 of the Regular Session of the Forty-fifth Legislature; and declaring if any portion of this Act be held unconstitutional, then it is the intent of the Legislature to pass the remaining portion thereof regardless of the unconstitutionality of such other portion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute for said bill do pass in lieu thereof and be not printed.

REDDITT, Chairman.

**Committee Substitute for House Bill  
No. 1 on Second Reading**

On motion of Senator Redditt and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration by the Senate of C. S. for H. B. No. 1, at this time.

The President laid before the Senate, on its second reading and passage to third reading:

C. S. for H. B. No. 1, A bill to be entitled "An Act making supplemental and new appropriations for the support and maintenance of executive, legislative, administrative and other agencies and departments of the State Government; making certain corrective amendments to S. B. No. 138, passed at the Regular Session of the Forty-fifth Legislature, which is the General Departmental Appropriation Bill for the biennium commencing September 1, 1937, and ending August 31, 1939; and declaring if any portion of this Act be held unconstitutional, then it is the intent of the Legislature to pass the remaining portion thereof, regardless

of the unconstitutionality of such other portion; and declaring an emergency."

The bill was read second time and was passed to third reading.

**Committee Substitute for House Bill  
No. 1 on Third Reading**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Beck	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Van Zandt
Neal	Winfield
Nelson	Woodruff
Newton	

**Nays—4**

Aikin	Sulak
Brownlee	Weinert

**Absent**

Moore	Westerfeld
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The President laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—21**

Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Van Zandt
Moore	Winfield
Neal	Woodruff
Nelson	

**Nays—9**

Aikin	Brownlee
Beck	Hill

Small  
Stone  
Sulak

Weinert  
Westerfeld

Absent

Newton

**Motion to Reconsider Vote on Passage of Senate Bill No. 1**

Senator Small moved to reconsider the vote by which Senate Bill No. 1 was passed today.

Pending an address of Senator Nelson on the question, Shall the vote by which S. B. No. 1 was passed be reconsidered? Senator Moore raised the point of order: That the question is not debatable because the main question on the passage of S. B. No. 1 had been ordered when the bill was passed.

Senator Moore demanded that the President rule immediately on the point of order, and the demand was duly seconded.

The President sustained the point of order.

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

**Yeas—14**

Aikin	Isbell
Beck	Lemens
Collie	Neal
Cotten	Nelson
Davis	Oneal
Head	Redditt
Hill	Woodruff

**Nays—16**

Brownlee	Small
Burns	Spears
Holbrook	Stone
Moore	Sulak
Pace	Van Zandt
Rawlings	Weinert
Roberts	Westerfeld
Shivers	Winfield

Absent

Newton

Senator Hill moved that the Senate adjourn until 9:00 o'clock a. m. tomorrow.

Senator Moore raised a point of order on consideration of the motion

of Senator Hill, on the ground that no business has been transacted by the Senate since a motion to adjourn was lost.

The President sustained the point of order.

Question recurred—Shall the vote by which Senate Bill No. 1 was passed be reconsidered?

Senator Woodruff moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—16**

Aikin	Isbell
Beck	Lemens
Burns	Neal
Collie	Nelson
Cotten	Oneal
Davis	Redditt
Head	Westerfeld
Hill	Woodruff

**Nays—14**

Brownlee	Small
Holbrook	Spears
Moore	Stone
Pace	Sulak
Rawlings	Van Zandt
Roberts	Weinert
Shivers	Winfield

Absent

Newton

**Relating to Adjournment Sine Die**

Senator Moore offered the following resolution:

S. C. R. No. 3, Resolved that the First Called Session of the Forty-fifth Legislature stand adjourned sine die at 2 p. m. tomorrow.

Senator Burns raised a point of order on consideration of the resolution, on the ground that it does not name a date for adjournment sine die and is indefinite.

The President overruled the point of order.

Question—Shall the resolution be adopted?

Yeas and nays were demanded and the resolution was lost by the following vote:

## Yeas—8

Brownlee	Roberts
Holbrook	Shivers
Moore	Weinert
Rawlings	Winfield

## Nays—22

Aikin	Nelson
Beck	Oneal
Burns	Pace
Collie	Redditt
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Woodruff .

## Absent

Newton

## Adjournment.

Senator Hill moved that the Senate adjourn until 2:00 o'clock p. m. tomorrow.

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, June 7, 1937.

The motion of Senator Roberts prevailed; and the Senate accordingly, at 4:00 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, June 7, 1937.

## SIXTH DAY

(Monday, June 7, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Roberts
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

The following Senators were absent and excused:

Davis	Small
Redditt	Spears
Shivers	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of the fifth legislative day was dispensed with, on motion of Senator Roberts.

## Leaves of Absence

Senator Small was granted leave of absence for today and the remainder of the week, on account of important business, on motion of Senator Rawlings.

Senator Davis was granted leave of absence for today on account of important business, on motion of Senator Woodruff.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senators Redditt and Shivers were granted leaves of absence for today on account of important business, on motion of Senator Burns.

## Motion to Provide for Special Committee

Senator Moore moved that the President appoint a committee of three Senators to call upon the Governor and respectfully request that he transmit to the Senate at this time any message he now has ready submitting additional subjects for legislation at the current special session.

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present a message from the Governor.

On motion of Senator Moore, the motion to authorize the President to appoint a special committee was tabled subject to call.

## Message From the Governor

The President then laid before the Senate, and had read, the following message from the Governor: